

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	Chapter 13
)	
PATRICIA DRAKE)	Case No. 18-10097
)	
Debtor)	Judge Hollis

NOTICE OF MOTION

TO: Parties on the attached service list by First-Class U.S. Mail; or by CM/ECF

PLEASE TAKE NOTICE that at on March 22, 2019, at 10:45AM or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Pamela Hollis at Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, Illinois 60432, and shall then and there present the enclosed **MOTION TO MODIFY PLAN**, at which time and place you may appear if you see fit so to do.

/s/ Dustin B. Allen

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he mailed a copy of this Notice and attached Motion to the above listed person(s), and all parties listed on the attached Certificate of Notice via U.S. Mail with postage pre-paid, or via ECF from the office located at 1011 Warrenville Road, Suite 150, Lisle, IL, 60532 on or before February 24, 2019, before 5 p.m.

/s/ Dustin B. Allen
Attorney for Debtor

Dustin B. Allen
ARDC#6312451
Attorney for Debtor
Lynch Law Offices, P.C.
1011 Warrenville Road, Ste 150
Lisle, IL 60532
(630) 960-4700

SERVICE LIST

To the following parties who have been served by CM/ECF:

Glenn Stearns, Chapter 13 Trustee

To the following parties who have been served by First-Class U.S. Mail, postage prepaid:

Patricia Drake
406 Cobblestone Court
Oswego, IL 60543

Benjamin Rooney
Keay & Costello, P.C.
Attorney for Kingsbrook Crossing HOA
128 South County Farm Road
Wheaton, IL 60187

Ally Financial
PO Box 130424
Roseville, MN 55113-0004

Verizon
by American InfoSource LP as agent
4515 N Santa Fe Ave
Oklahoma City, OK 73118

Pinnacle Credit Svcs, LLC assigns as
assignee of Jefferson Capital Systems
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Wilmington Savings Funs Society
Rushmore Loan Management Services
P.O. Box 55004
Irvine, CA 92619

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS**

In Re:)	Chapter 13
)	
PATRICIA DRAKE)	Case No. 18-10097
)	
Debtor)	Judge Hollis

MOTION TO MODIFY PLAN

NOW COMES PATRICIA DRAKE, by and through their attorneys, Lynch Law Offices, P.C., to present their Motion to Modify Plan, and in support thereof states as follows:

1. Debtors filed a voluntary Petition for Chapter 13 bankruptcy protection and plan of reorganization on April 6, 2018. Glenn Stearns was appointed Trustee.
2. The Debtor omitted her homeowner's association, Kingsbrook Crossing Homeowners Association, on her petition and plan, which she owed \$7,258.22 at the time of the petition date.
3. This omission was inadvertent and not in bad faith. At the time of the bankruptcy being filed, the Debtor was repaying the association an increased amount each month to satisfy the pre-petition arrears.
4. The Debtor seeks to add Kingsbrook Crossing Homeowners Association, with their associated attorney's fees and court costs, to §3.1 of the confirmed plan, with a set monthly payment of \$500.00 per month.
5. Modifying the plan in this way would require an increase in the monthly payment to \$1,085.00 each month. The Debtor can afford this increase because she has rearranged her budget and her partner is able to provide additional support to her household expenses. See Exhibit A (Amended Schedules I and J).

6. The Debtor seeks this modification in good faith with an intention of repaying her creditors.

WHEREFORE, the Debtors respectfully request that this Honorable Court modify the Chapter 13 plan, and for any other relief deemed just and proper.

Respectfully submitted,

BY: /s/ Dustin B. Allen
ARDC#6312451
Debtors' Attorney

Attorney for Debtor
Lynch Law Offices, P.C.
1011 Warrenville Road, Ste. 150
Lisle, IL 60532
(630) 960-4700

Fill in this information to identify your case:

Debtor 1	<u>Patricia L. Drake</u>
Debtor 2 (Spouse, if filing)	
United States Bankruptcy Court for the:	<u>NORTHERN DISTRICT OF ILLINOIS</u>
Case number (If known)	<u>18-10097</u>

Check if this is:

- ☐ An amended filing
☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.		Debtor 1	Debtor 2 or non-filing spouse
If you have more than one job, attach a separate page with information about additional employers.	Employment status	<input checked="" type="checkbox"/> Employed <input type="checkbox"/> Not employed	<input type="checkbox"/> Employed <input type="checkbox"/> Not employed
	Occupation	<u>License & Title Clerk</u>	
Include part-time, seasonal, or self-employed work.	Employer's name	<u>Toyota of Naperville</u>	
	Employer's address	<u>1488 W Ogden Naperville, IL 60540</u>	
Occupation may include student or homemaker, if it applies.	How long employed there?	<u>12 Years</u>	

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ <u>3,156.62</u>	\$ <u>N/A</u>
3. Estimate and list monthly overtime pay.	+\$ <u>86.67</u>	+\$ <u>N/A</u>
4. Calculate gross income. Add line 2 + line 3.	\$ <u>3,243.29</u>	\$ <u>N/A</u>



Debtor 1 **Patricia L. Drake**

Case number (if known) **18-10097**

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ 3,243.29	\$ N/A
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$ 691.99	\$ N/A
5b. Mandatory contributions for retirement plans	5b. \$ 0.00	\$ N/A
5c. Voluntary contributions for retirement plans	5c. \$ 0.00	\$ N/A
5d. Required repayments of retirement fund loans	5d. \$ 305.15	\$ N/A
5e. Insurance	5e. \$ 212.33	\$ N/A
5f. Domestic support obligations	5f. \$ 0.00	\$ N/A
5g. Union dues	5g. \$ 0.00	\$ N/A
5h. Other deductions. Specify: _____	5h.+ \$ 0.00	+ \$ N/A
6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ 1,209.47	\$ N/A
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ 2,033.82	\$ N/A
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$ N/A
8b. Interest and dividends	8b. \$ 0.00	\$ N/A
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ N/A
8d. Unemployment compensation	8d. \$ 0.00	\$ N/A
8e. Social Security	8e. \$ 0.00	\$ N/A
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. \$ 0.00	\$ N/A
8g. Pension or retirement income	8g. \$ 0.00	\$ N/A
8h. Other monthly income. Specify: Boyfriend / Family Support	8h.+ \$ 820.00	+ \$ N/A
9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ 820.00	\$ N/A
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 2,853.82 + \$ N/A = \$ 2,853.82	
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____		11. +\$ 0.00
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the <i>Summary of Schedules</i> and <i>Statistical Summary of Certain Liabilities and Related Data</i> , if it applies		12. \$ 2,853.82 Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form?		
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____		

Fill in this information to identify your case:

Debtor 1 Patricia L. Drake

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN DISTRICT OF ILLINOIS

Case number 18-10097
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents? ☒ No

Do not list Debtor 1 and Debtor 2.

☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes
- ☐ No
- ☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No ☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 847.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 0.00

4d. Homeowner's association or condominium dues

4d. \$ 145.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Patricia L. Drake**

Case number (if known) **18-10097**

6. Utilities:

6a. Electricity, heat, natural gas	6a. \$	<u>120.00</u>
6b. Water, sewer, garbage collection	6b. \$	<u>60.00</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	<u>0.00</u>
6d. Other. Specify: _____	6d. \$	<u>0.00</u>

7. Food and housekeeping supplies

7. \$ 195.00

8. Childcare and children's education costs

8. \$ 0.00

9. Clothing, laundry, and dry cleaning

9. \$ 0.00

10. Personal care products and services

10. \$ 30.00

11. Medical and dental expenses

11. \$ 0.00

12. Transportation. Include gas, maintenance, bus or train fare.
Do not include car payments.

12. \$ 80.00

13. Entertainment, clubs, recreation, newspapers, magazines, and books

13. \$ 0.00

14. Charitable contributions and religious donations

14. \$ 0.00

15. Insurance.

Do not include insurance deducted from your pay or included in lines 4 or 20.

15a. Life insurance 15a. \$ 0.00

15b. Health insurance 15b. \$ 0.00

15c. Vehicle insurance 15c. \$ 90.00

15d. Other insurance. Specify: _____ 15d. \$ 0.00

16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20.
Specify: _____

16. \$ 0.00

17. Installment or lease payments:

17a. Car payments for Vehicle 1 17a. \$ 200.00

17b. Car payments for Vehicle 2 17b. \$ 0.00

17c. Other. Specify: _____ 17c. \$ 0.00

17d. Other. Specify: _____ 17d. \$ 0.00

18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).

18. \$ 0.00

19. Other payments you make to support others who do not live with you.
Specify: _____

19. \$ 0.00

20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.

20a. Mortgages on other property 20a. \$ 0.00

20b. Real estate taxes 20b. \$ 0.00

20c. Property, homeowner's, or renter's insurance 20c. \$ 0.00

20d. Maintenance, repair, and upkeep expenses 20d. \$ 0.00

20e. Homeowner's association or condominium dues 20e. \$ 0.00

21. Other: Specify: _____

21. +\$ 0.00

22. Calculate your monthly expenses

22a. Add lines 4 through 21.

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

22c. Add line 22a and 22b. The result is your monthly expenses.

\$	<u>1,767.00</u>
\$	
\$	<u>1,767.00</u>

23. Calculate your monthly net income.

23a. Copy line 12 (your combined monthly income) from Schedule I.

23a. \$ 2,853.82

23b. Copy your monthly expenses from line 22c above.

23b. -\$ 1,767.00

23c. Subtract your monthly expenses from your monthly income.
The result is your *monthly net income*.

23c. \$ 1,086.82

24. Do you expect an increase or decrease in your expenses within the year after you file this form?

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.

☐ Yes.

Explain here: _____